

“Other Duties as Assigned” Clauses: Ethics and Contractual Limits

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Abstract. This case study is designed to help students evaluate ethical boundaries in employment contracts and workplace responsibilities. A job description typically outlines an employee’s primary responsibilities, but it cannot account for every possible task. To address this, the “other duties as assigned” clause in employment contracts allows employers to add responsibilities beyond the listed core duties. This clause ensures flexibility in handling unforeseen or necessary tasks that support the organization’s goals even if not explicitly mentioned in the job description. When such tasks arise, employees are expected to perform these “other duties” as part of their role. However, ethical and legal issues may arise when tasks assigned under the “other duties as assigned” clause are excessively burdensome, unrelated to an employee’s primary responsibilities, or inconsistent with the intent—or a violation of the spirit—of the employment contract. These “other duties” may be perceived as exploitative or abusive, potentially resulting in disputes between employers and employees. The case study under discussion explores an instance in which an employer exceeds these boundaries by regularly assigning tasks that deviate significantly from the intended scope of the employees’ roles. This analysis will highlight the potential for misuse of the “other duties as assigned” clause and its broader implications for both parties.

Keywords: employment contracts clauses, ethical management, agency.

1. Introduction

From an employer’s perspective, managing employees while assigning “other duties” always carries the risk of conflict as employees may claim that such tasks fall outside their enumerated duties or “job description”.¹ This clause thus raises important ethical considerations, especially when evaluating workplace expectations through classical philosophical and ethical lenses.

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1. Frieders, D. (2023). LinkedIn. The Road to Hell is Paved With...Other Duties as Assigned. Retrieved March 14, 2024 from: <https://www.linkedin.com/pulse/road-hell-paved-with-other-duties-assigned-dean-frieders/>.

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Utilitarianism is a form of consequentialist ethics, meaning that it emphasizes outcomes and tends to be pragmatic; concepts such as right and wrong are judged based on the specific situation. Further, utilitarianism holds that the most ethical action is one that “produce[s] the greatest good for the greatest number.”² From this perspective, requiring employees to perform extra duties may be justified if it benefits the organization as a whole. Indeed, utilitarianism can be viewed as a type of consequentialism which evaluates whether something is ‘right’ based on consequences rather than intrinsic moral principles. In short, as business ethics scholar DesJardins notes, “the essence of utilitarianism...is the ends justify the means.”³ However, a fundamental limitation and criticism of utilitarianism is that predictions about whether outcomes will be ‘good’ or ‘bad’ are inherently unpredictable, making it difficult to assess the long-term ethical implications of workplace decisions. Further, utilitarianism’s readiness “to sacrifice the good of the individuals for the greater overall good” places a heavy burden on individuals, while doing little to limit the power of decision-makers whose choices impact both people and organizations.⁴ Compounding the problem, utilitarianism has been criticized for justifying abuses of vulnerable groups if beneficial to the majority.

One major reason why applying classical ethics such as utilitarianism is problematic is that it measures the maximization of overall good as the primary goal, sometimes at the expense of individual considerations. The employer-employee relationship inherently involves a power imbalance, as those with economic and managerial authority determine employment conditions for those without comparable resources or authority. The ethical concern arises when this imbalance is exploited under the guise of serving the collective good of the organization. While employers are legally and ethically bound to uphold workplace standards that prevent harassment and abuse, identifying when an action crosses into unethical territory can be ambiguous.

Moreover, organizations may manipulate policies or redefine workplace norms to justify or obscure actions that employees perceive as exploitative. This potential for ethical flexibility highlights the importance of establishing explicit ethical guidelines within the organization itself—such as clear job descriptions, transparent dispute resolution processes, and regular channels for employee feedback. While employers are already legally obligated to prevent harassment and abuse, ethical accountability requires going beyond compliance to ensure that

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2. DesJardins, J. (2024). *An Introduction to Business Ethics*, 7th ed. McGraw Hill. See also: Utilitarianism. (2024). Ethics Unwrapped. McCombs School of Business. Retrieved November 14, 2024 from: <https://ethicsunwrapped.utexas.edu/glossary/utilitarianism>.
 3. DesJardins, J. (2024). *An Introduction to Business Ethics*, 7th ed. McGraw Hill. (pg. 42). See also: Consequentialism. (2024). Ethics Unwrapped. McCombs School of Business. Retrieved November 14, 2024 from: <https://ethicsunwrapped.utexas.edu/glossary/consequentialism>.
 4. DesJardins, J. (2024). *An Introduction to Business Ethics*, 7th ed. McGraw Hill. (pg. 43). See also: Utilitarianism. (2024). Ethics Unwrapped. McCombs School of Business. Retrieved November 14, 2024 from: <https://ethicsunwrapped.utexas.edu/glossary/utilitarianism>.